

Application No. 10/019,770
Amendment dated June 24, 2003
Reply to Office Action of March 24, 2003

REMARKS/ARGUMENTS

Specification

By the present Amendment, the specification has been amended to correct certain matters noted during a reading thereof. Specifically, the title has been amended to more accurately describe the invention and the formal matters noted by the Examiner have been corrected.

Claims

Examined claims 1-4 have been amended. Applicant respectfully asserts that the amended claims are believed to overcome the matters raised by the Examiner under 35 U.S.C. § 112. Specifically, the Examiner rejected claims 2-4 under 35 U.S.C. § 112, second paragraph, noting that there is insufficient antecedent basis for the limitation "the drain opening" in the claim. By the present Amendment, applicant has amended claim 1 to provide the proper antecedent basis for "the drain opening" in claim 2. Therefore, applicant respectfully requests that the rejection be withdrawn.

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,671,666 to Wenglar in view of U.S. Patent No. 2,569,828 to Peacock et al. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the front cover 16 of Wenglar to include a drain opening below the feed opening because one would have been motivated to provide a means for drainage as taught by Peacock.

Applicant respectfully submits that claim 1 is not obvious over Wenglar in view of Peacock et al for the following reasons.

With respect to U.S. Patent No. 5,671,666 to Wenglar, applicant submits that Wenglar discloses a container as a large cylinder "with a closed top 12 and a central opening 14 in the front or side for a control panel 16, a deposit slot or port 17 and a cash discharge slot 18" (Wenglar, Col. 3, L49-52). Neither the central opening 14, the control panel 16, the deposit slot 17, nor the cash discharge slot 18 can be said to be in the form of a cover as required by claim 1. A review of Figs. 1-4 all demonstrate that the central opening 14 is an indentation into the exterior cylindrical container or housing 10. This is

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entirely different from the cover 14 disclosed in the current invention, which is placed over and protrudes from the exterior of the reverse vending machine.

Claim 1 also requires that the cover 14 be secured independently of the internal bottle/can handling device and other apparatuses of the reverse vending machine. Wenglar at Col. 4, L7-9 states that "The deposit slot 17 is in communication with a rotatable drum 26 adapted for receiving the cans as they are introduced into the lower chamber of the system." This statement, taken in conjunction with the drawings, indicates that the central opening 14, which contains the deposit slot or port 17, is not formed to be secured independently of the internal bottle/can handling device and other apparatuses of the reverse vending machine. In fact, it appears that a ramp structure is integral to the deposit slot 17 in that the ramp structure provides direct communication with the rotatable drum 26 which is certainly an internal bottle/can handling device.

Applicant respectfully submits that U.S. Patent No. 5,671,666 to Wenglar also does not teach a feed opening 22 without fixed connection to pipework within the reverse vending machine. In the Wenglar device, the central opening 14 is fixedly connected to the pipework in the form of the above mentioned ramp leading from the deposit slot 17 to the drum 26. Therefore, applicant respectfully submits that the feed opening of the Wenglar patent does contain a fixed connection to pipework within the reverse vending machine.

Applicant further submits that there is no suggestion to combine or modify Peacock et al with Wenglar and that such suggestion to combine is based on impermissible hindsight. Peacock et al is directed to a towel cabinet particularly adapted for use at filling stations to facilitate windshield service. Peacock et al is completely unrelated to reverse vending machines or recycling machines and does not involve the deposition of bottles or cans into the interior of the apparatus. In fact, the pockets of Peacock et al are used to receive bottles of window cleaning and washing fluids and the depressed portion 53 is utilized for drainage of the pocket itself. Therefore, there is no suggestion to combine Peacock et al with Wenglar et al to provide a drain opening in the

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front cover. Any motivation for such combination is the result of impermissible hindsight by the Examiner.

By the present Amendment, applicant has amended claims 1-4 to definitively claim the subject matter which applicant regards as the invention. Applicant has pointed out that such claims are not obvious over Wenglar in view of Peacock et al. Applicant submits that claims 1-4 are now in proper condition for allowance and such action is earnestly requested.

Respectfully submitted,


Daniel D. Fetterley (Reg. No. 20,323)

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
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